

EX PARTE OR LATE FILED

04-37

**Who's Kidding Whom: BPL and the Threat to Radio**

I'm writing to you as a radio professional with over four decades in radio-related technology. I have been a successful executive in major TV and cable companies; I hold several significant patents in radio technology; I am recognized by my peers worldwide for my contributions to the industry; and on more than one occasion I have been invited by the Commission to instruct incoming FCC engineers on elements of the radio technology that they will administer.

My concern is Broadband over Power Lines. I am outraged that the Commission's staff has seemingly been seduced by the strident talk and inaccuracies produced by the proponents of BPL. Under the guise of 'broadband to the masses' (read: a chicken in every pot) the Commission is now perilously close to enacting regulation that will permit the memorializing of BPL to the detriment of the extant users of the radio spectrum. Big money and big business have cunningly told a story that has ignored the small voices of a few radio amateur operators. The amateurs are protesting what BPL is doing within their communities to the radio environment. Once enacted, this travesty will be visited throughout the land.

Understand that once enacted you will never get this genie back in the bottle. Your decision on BPL – and its consequences – are irreversible.

If it were just *hams* that were disenfranchised I guess some argument could be made that they are just *playing* with their radios anyway. We were "playing" during the recent spate of hurricanes in the Southeast. We "play" when we track tornados and stay up all night to help the Red Cross or the Salvation Army... but that is a separate issue. It is not just the hams who are protesting. The Government's own NTIA amongst others have also asked for protection against BPL's buzz on dozens of frequencies on which they rely. Theirs is special pleading -- NIMBY. Not in my back yard is not the correct answer. Not in *anybody's* backyard is the only fair outcome of this debate.

The essence of the current issue is about respect. For fifty years I have respected the wonder of the radio spectrum. Unfortunately today's

ORIGINAL

RECEIVED

OCT - 6 2004

Federal Communications Commission  
Office of the Secretary

RECEIVED

OCT - 6 2004

Federal Communications Commission  
Office of the Secretary

No. of Copies Recd. 0  
List ABOVE

Commissioners, and many of the current staff, have either forgotten or never seen the power of nature and the serenity of a quiet and managed radio spectrum. This current tranquility is the result of nameless past Commissioners and their dedicated staff who worked to preserve the asset in their charge.

A couple of years ago I was invited to participate in the Chairman's *Vision Panels*. I heard the notion of moving away from "command and control" to "marketplace." Marketplace adheres to the Golden Rule: he who has the gold makes the rules. This cannot be the equitable solution to spectrum management, unless you intend for Bill Gates and Warren Buffet to run the whole damn thing.

BPL relies upon soiling the radio spectrum to make a market. Yes, it maybe true that high-speed internet can be prospectively delivered to rural areas via the yet unproven economic and technical model of BPL. However, the low-hanging fruit is in the urban areas where adventures with VoIP and VoD -- plus any bits for bucks they can fancy -- will be economically compelling.

The thesis that BPL serves a social need holds some merit, but there is another agenda driving this proposed technology: money.

You see, that is where your job comes in. You are regulators, not industry lobbyists. Last week I took some European visitors to the Grand Canyon and as we looked out over the majesty of the South Rim free of the soil of man, we saw no rusting Packard signs or 'You Step Down into a Hudson.' That is because the regulators of a past era saw and understood the importance of not marginalizing the asset they protected. It would be nice to get a quarter pounder on the South Rim, but more reasoned regulators knew the trade off and made me drive a few miles for my burger, so the view remained intact.

When you visit upstate New York you find land that is by legislative decree *forever wild*. What I am talking about -- the radio spectrum -- is likewise forever wild. We are one hundred years after Marconi and the advent of the fabulous infrastructure that radio provided. Please don't buy into the self-serving notion that we all can share. This is like sharing your goldfish bowl with a piranha. The disenfranchised will not have the voice to articulate the slight that is being worked upon them. For one hundred years,

it has been nature and professional scientific management that have set the noise floor in the radio spectrum, not capricious regulation. Unfortunately, now that the regulators have become the advocates in this misadventure, we are contemplating changes that benefit a select industry at the expense of my grandkids, and that *hacks* me off!

Don't take my word for it (and I thank you for your indulgence in reading to the eighth paragraph of this verbose letter.) Ask your own people, not the ones that fly to Palo Alto to bask in the reflected glory of AT&T, or the ones who pontificate at trade shows about the brave new world of BPL. Look for the old stiffes that have a lot of time around the FCC and understand the importance of preserving the infrastructure. Please listen to what they have to say and do think about what they counsel. Don't be a part of a Commission that sullies a beautiful resource because of a misdirected agenda.

#### Biographical Sketch:

In 1992 Ted Hartson decided to work independently after some 30 years in telecommunications. Mr. Hartson was an executive with Time Inc., Capital Cities Communication and The Washington Post and has been involved with most aspects of broadcasting and wired communications in the US and abroad.

Hartson formed Scottsdale Television Labs which was dedicated to support and independent research of RF properties in the HF to 2 GHz range. In 1995 Hartson founded EnCamera Sciences Corporation, which was a high tech start up engaged in the development of a highly advanced modulation technique for inclusion of large amounts of digital data within a conventional analog television signal. EnCamera Sciences was sold in the fall of 2000. The EnCamera technology and its many issued Patents is the basis of the MovieBeam system in use by the Disney Company in the US. After a period of consultancy with the new owners Mr. Hartson returned to propagation investigation within the framework of his originally formed Scottsdale TV Labs (STL).

Hartson holds both Commercial and Amateur radio licenses and has presented technical filings to the FCC on numerous occasions, including Experimental Television Authority for the development of the EnCamera system.

Ted Hartson 13631 East Montgomery Rd. Scottsdale AZ 85262 480 683 2007

In Parks, AZ 928 635 1927 ted@7vsb.com